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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,266	09/18/2006	Satoru Banzai	1009682-000163	6449
	7590 05/10/201 INGERSOLL & ROOI	EXAMINER		
POST OFFICE	BOX 1404	KENNEDY, NICOLETTA		
ALEXANDRIA, VA 22313-1404			ART UNIT	PAPER NUMBER
		1611		
			NOTIFICATION DATE	DELIVERY MODE
			05/10/2010	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com offserv@bipc.com

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/593,266	BANZAI, SATORU	
Examiner	Art Unit	

non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 8.9.13-15 and 21.  Claim(s) withdrawn from consideration: 19.  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.		Nicoletta Kennedy	1611					
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must itemly file one of the following replies: (1) an amendment, affidiaty, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  (a) ☑ The period for reply expires @ months from the mailing date of the final rejection.  (b) ☐ The period for reply expires @ months from the mailing date of the final rejection.  (c) Examiner Note: If box 1 is chacked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRM, REJECTION. See MPEP 706.07(f).  (Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nother 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortered statutory period for reply originally set in the final Office action. (2) as many reduce any exame patient term adjustment. See 37 CFR 1.74(b).  NOTICE OF APPEAL.  (2) ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137 must be filed within two months of the date of ling the Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(a).  (a) ☐ The Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 4.13.37(a).  (b) ☐ The year ento deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; anxior:  (b) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the iss	The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress				
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) The period for reply expires on (1) the mailing date of the final rejection.  b) The period for reply expires on (1) the mailing date of the final rejection.  Examiner Note: if Ibos 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHA THE firST REFLY FIRED (FIRED WITHIN TWO MONTHS OF THE FIRAT REFLY) and under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been flied in (1) above, if checked. Any reply received by the Office later than three months after the mailing date of the final office action, or (2) as set forth in (1) above, if checked. Any reply received by the Office later than three months after the mailing date of the final office action, or (2) as set forth in (1) above, if checked. Any reply received by the Office later than three months after the mailing date of the final office action, or (2) as a construction of the final office action of the date of fining the Notice	THE REPLY FILED <u>23 April 2010</u> FAILS TO PLACE THIS APP	LICATION IN CONDITION FOR AL	LOWANCE.					
a) The period for reply expires 6_months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the final rejection, whichever is later. In no event, however, will the statulary period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Exemen Note: If box is checked, check cither box (s) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purpose of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on	1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time							
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the date for young activate the mailing date of the final rejection. See MPEP 706 607(f).  Extensions of time may be obtained under 37 CPR 1.138(a). The date on which the petition under 37 CPR 1.138(a) and the appropriate extension fee have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CPR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Am reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Am reply precise by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) advised the final rejection, and the proposed amount of the fee. The shortened proposed amount of the fee. The shortened proposed amount of the fee. The shortened proposed amount of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise men issues that would require further consideration and/or search (see NOTE below);  (b) ☐ They raise not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ They are not deemed to place the application in better form for a	<u></u>	of the final rejection.						
have been filed is the date for purposes of determining the period of extension and the corresponding amont of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They arise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  4 The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s): Compliance in the proposed amendment (s): a) will be entered or a mended claims) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) will into be entered, or b) will be entered and an explanation of how	b) The period for reply expires on: (1) the mailing date of this An no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (left).	dvisory Action, or (2) the date set forth in ter than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	date of the final rejection	on.				
<ul> <li>2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a)), to avoid dismissal of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>AMENDMENTS</li> <li>3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below);</li> <li>(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.</li> <li>NOTE: (See 37 CFR 1.116 and 41.33(a)).</li> <li>1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5. ☐ Applicant's reply has overcome the following rejection(s):</li> <li>6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) is (or will be) as follows: Claim(s) objected times.</li> <li>Claim(s) objected times.</li> <li>The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(c).</li> <li>10. ☐ The affidavit or other evidence filed after the date of filing</li></ul>	have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
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<ul> <li>Applicant's reply has overcome the following rejection(s):</li></ul>	;	21 See attached Nation of Non Cor	maliant Amandment (	DTOL 224\				
<ul> <li>Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:</li></ul>			Ilpliant Amendment (	F TOL-324).				
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Claim(s) objected to: Claim(s) rejected: 8.9.13-15 and 21. Claim(s) withdrawn from consideration: 19.  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  //N. K./	7. A For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is proved the status of the claim(s) is (or will be) as follows:		be entered and an ex	xplanation of				
<ul> <li>8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet</li> <li>12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)</li> <li>13.  Other:</li> <li>14.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)</li> </ul>	Claim(s) objected to: Claim(s) rejected: <u>8,9,13-15 and 21</u> . Claim(s) withdrawn from consideration: <u>19</u> .							
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See Continuation Sheet  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)  13. Other:  /Sharmila Gollamudi Landau/	10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after er	ntry is below or attach	ed.				
13. Other:  /Sharmila Gollamudi Landau/ /N. K./	11. 🛮 The request for reconsideration has been considered but does NOT place the application in condition for allowance because:							
71.13	<ul><li>12. ☐ Note the attached Information <i>Disclosure Statement</i>(s). (</li><li>13. ☐ Other:</li></ul>	PTO/SB/08) Paper No(s)						
71.13	/Sharmila Gollamudi Landau/	/N K /						

## **Continuation Sheet (PTO-303)**

Application No.

The amendments filed 4/23/2010 introduce new isssues that the examiner would have to search. Claim 21 has been added as the independent claim and includes the requirement that the stick type cosmetic comprise a pigment and that the ceramics have pores of a diameter in a range of 50 nm to 500 nm and which bind with the pigment and the extender material.